IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 10.07.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.385 of 2006

Subramani Sha ... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by the Secretary to Government,
Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-9.

2.The Commissioner of Police,
Greater Chennai,
Egmore, Chennai-8. .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records, relevant to the order passed by the second respondent in D.O.No.371/2005 dated 20.07.2005, quash the same and produce the detenu Subramani Sha, who is now detained at Central Prison, Chennai before this Court and set him at liberty.

For Petitioner : Mr.Thanjan for
Mr.J.Muthukumaran

For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner, by name Subramani Sha, who is detained as a ''Goonda" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 20.07.2005, challenges the same in this Petition.

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2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel for the petitioner, by drawing our attention to the fourth adverse case, has contended that inasmuch as all those cases are under investigation stage, the detaining authority is not justified in invoking Act 14 of 1982. He also contended that in view of the discrepancy in the mahazar, the detention order is liable to be quashed on the ground of non application of mind.

4. On going through the entire details including the grounds of detention and all other materials placed, we are unable to accept both the contentions for the following reasons.

5. On a perusal of the adverse cases shows that the detenu has involved in various offences on different occasions. The first adverse case relates to occurrence dated 12.04.2005 on the file of P6 Kodungaiyur Police Station Crime No.542/2005 and the offences involved are under Sections 454 and 380 IPC and like wise, the second adverse case relates to occurrence dated 06.07.2005 on the file of K1 Sembium Police Station Crime No.1686/2005 and the offence involved is under Section 379 and the third adverse case relates to occurrence dated 28.06.2005 on the file of K9 Thiru.ViKa Nagar Police Station Crime No.1555/2005 and the offences involved are under Sections 454 and 380 IPC and the fourth adverse case relates to occurrence dated 07.07.2005 on the file of K9 Thiru Vi.Ka Nagar Police Station Crime No.1625/2005 and the offences involved are under Sections 341 and 386 IPC.

6. Apart from the abovesaid cases, the detenu is also involved in the ground case, which according to the respondents took place on 08.07.2005 on the file of K9 Thiru Vi.Ka. Nagar Police Station Crime No.1630/2005 and the offences involved are under Sections 341, 336, 397 and 506(ii) IPC. The detaining authority, on consideration of four adverse cases of the year 2005 as well as the ground case, which is the fifth case and taking note of the fact that if the detenue is allowed to continue, he will indulge in further activities, which will be prejudicial to the maintenance of public order, detained him as "Goonda" under Act 14 of 1982. Inasmuch as the detaining authority was possessed of required materials and the decision was taken after satisfying himself, we are of the view that the same cannot be gone into by this Court in this petition. The Courts have held that it is the subjective satisfaction of the detaining authority concerned and the merits of the prosecution case cannot be gone into by this Court while considering the Habeas Corpus Petition. Accordingly, we reject the said contention.

7. Though it is contended that the impugned order of detention has to be quashed on the ground of non application of mind and for the same reasons, as stated earlier, inasmuch as the detaining authority has

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satisfied with the materials placed, the minor discrepancies as pointed out would not affect the ultimate order passed by him. Accordingly, we reject the said contention also.

8. Except the above contention, no other contention was raised. In the light of what is stated above, we do not find any valid ground for interference. Accordingly, the Habeas Corpus Petition fails and the same is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

raa

To

1. The Secretary to Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.

2.The Commissioner of Police, Greater Chennai,Egmore, Chennai-8.

3. The Superintendent, Central Prison, Chennai.
(In duplicate for communication to detenu)

4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

+ 1 CC To Mr. J.Muthukumaran, Advocate SR NO. 29931

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